

# MEETING MINUTES

**MILPITAS PLANNING COMMISSION**  
**Milpitas City Hall, Council Chambers**  
**455 E. Calaveras Blvd., Milpitas, CA**

**Wednesday, April 12, 2017**

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| <b>I. PLEDGE OF ALLEGIANCE</b>             | <b>Chair Mandal</b> called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.  |
| <b>II. ROLL CALL/ SEATING OF ALTERNATE</b> | <p><b>Present:</b> Chair Mandal, Vice Chair Madnawat, Commissioners Sandhu, Morris, Maglalang, Chua</p> <p><b>Absent:</b> Ciardella, Mohsin</p> <p><b>Staff:</b> Bradley Misner, Katy Wisinski, Michael Fossati, Krishna Kumar</p>  |
| <b>III. PUBLIC FORUM</b>                   | <b>Chair Mandal</b> invited members of the audience to address the Commission and there were no speakers.   |
| <b>IV. APPROVAL OF MEETING MINUTES</b>     | <p><b>Chair Mandal</b> called for approval of the March 22, 2017 meeting minutes of the Planning Commission.</p> <p><b>Motion</b> to approve Planning Commission meeting minutes.</p> <p>Motion/Second: Commissioner Sandhu/Commissioner Chua</p> <p>AYES: 6</p> <p>NOES: 0</p> <p>ABSTAIN: 0</p> |
| <b>V. ANNOUNCEMENTS</b>                    | Planning Director Bradley Misner thanked the commissioners for their review of the 2017-2022 Capital Improvement Program Annual Report and said it will next be presented to City Council.  |
| <b>VI. CONFLICT OF INTEREST</b>            | <p><b>Deputy City Attorney Katy Wisinski</b> asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.</p> <p>There were no reported conflicts.</p>   |
| <b>VII. APPROVAL OF AGENDA</b>             | <p><b>Chair Mandal</b> asked if staff or Commissioners had changes to the agenda and there were none.</p> <p><b>Motion</b> to approve the April 12, 2017 agenda as submitted.</p> <p>Motion/Second: Commissioner Sandhu/Commissioner Morris</p> <p>AYES: 6</p>                                    |

**VIII. CONSENT  
CALENDAR  
NO ITEMS**

**IX. PUBLIC HEARING**

**IX-1 TRINETHRA CASH AND CARRY – 556 S. MILPITAS BLVD – P-UA16-0014:** A request for a Conditional Use Permit amendment to operate a grocery store in an existing building with an existing restaurant and an existing catering company, zoned Heavy Industrial.

Project Planner Krishna Kumar showed a presentation reviewing the request.

Ms. Kumar wants to add a Condition of Approval stating that the hours of operation will be from 8:00 AM – 10:00 PM every day.

Chair Mandal asked if there are other grocery stores located in the vicinity and Ms. Kumar said there are none that she is aware of.

Commissioner Chua asked if there will be changes to the signage and Ms. Kumar said the applicant has not applied for a sign permit.

Applicant Chakradhar Paturi was available for questions.

Commissioner Chua asked about the signage and Mr. Paturi said he will apply for a permit to update the street signage as part of the next steps.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Morris

AYES: 6

NOES: 0

**Motion** to Adopt Resolution No. 17-011 approving Conditional Use Permit Amendment No. UA16-0014, subject to the attached Conditions of Approval and additional condition that hours of operation be 8:00 AM – 10:00 PM.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 6

NOES: 0

**IX-2 SUMMERHILL PARCEL MAP – 1500 – 1646 Centre Pointe Dr – P-PM17-0001:** A request for a parcel map to authorize the subdivision of one 9.84 acre parcel into two separate parcels (5.282 acres and 4.511 acres, respectively).

Project Planner Michael Fossati showed a presentation and discussed the request.

Mr. Fossati said one comment was received from the Santa Clara County Roads and Airports Department referencing a revision to a portion of the map. Engineers made the minor revision and the county informed staff that it addressed their concerns.

Vice Chair Madnawat said that although he recused himself when the project was originally discussed, at this time there is no need to do so, and asked for an update of the project. Mr. Fossati said four buildings are being demolished and two other buildings will remain at this time because there are leases currently occupying them. This parcel map will allow Summerhill to close escrow, acquire the property and begin construction.

Vice Chair Madnawat asked if the subdivision is being done as a technicality due to the leases. Mr. Fossati said that is part of the issue but the project was designed with a subdivision of the property. It was entitled as 694 units and proposed in two parts and it was stated in the previous staff report that there would be additional maps for the project.

Vice Chair Madnawat was concerned that one parcel could be sold after the subdivision and not built as approved. Mr. Fossati said there is still a need for a final map and a requirement to build the project that was proposed.

Vice Chair Madnawat said he does not understand why it is required to subdivide the parcel before escrow can be closed. Mr. Misner said this is a question that would be appropriate for the applicant but he believes it has to do with the sequencing of the development as well as the existing buildings that have leases. He said the entitlements that were granted in 2016 for the 694 units remain and any changes to would need to come back to the Planning Commission. At this point they are requesting the parcel map to create the two lots; however, any owner is still beholden to the entitlements and development that were granted in 2016.

Vice Chair Madnawat believes the applicant can buy the entire property and develop a portion now and the rest later and does not see a reason for subdividing the parcels. He is concerned that with two parcels only one will be built according to plan, and a new builder may wish to change the plans or have less commercial space than expected.

Chair Mandal asked if the landscaping plans will remain the same. Mr. Fossati said the project demonstrated adequate landscaping and whoever owns the property is required to follow the approved plans.

Applicant Marshall Torre of Summerhill Apartment Communities was present.

Mr. Torre said when they entered into the purchase and sale agreement with this property they were aware of the single lease on the building closest to the Centre Pointe and Great Mall intersection, which does not expire until 2019. This has always been a phased project and they did not want to buy the property for the second phase of the project because they could not use it for their purposes and it was a business decision not to spend the money before they needed to.

They do not own the property and need to have the parcel map approved in order to create the parcel to buy it from the owner. The owner will retain ownership on the northerly half of the site and once the lease expires in 2019, or before if there is an agreement to terminate, they will purchase the site and build the second phase of the

project.

Mr. Torre said the guarantee that they will complete the development is the amount of money they have expended to get to this point. They have paid millions of dollars for the right to demolish buildings they do not own. Four buildings are in the process of being removed and they had to pay the owner in order to do that because they do not own the property. Once the buildings are demolished and no longer traverse the property line they are creating, they can record the parcel map and buy the first phase of the project. They will purchase the second portion when the lease is terminated.

The commercial space is the minimum amount required by the TASP and whoever comes in has to provide the exact amount of commercial space proposed. It has always been planned as a phased project and it is their intention to build both sides.

They have invested a lot of time and money in the project and need the parcel map in order to take the next steps. They have applied for the building permits and onsite and offsite improvement plan approvals, and with this parcel map they will bond for all of the frontage improvements for the entire site.

Mr. Torre said there have to be findings to deny this map and there are no such findings. They have done everything they have said they will do from the first days of the project and he respectfully requests that the commission approve the parcel map and allow them to continue toward the goal of building the apartments and commercial space.

Vice Chair Madnawat asked what would happen if the price of the land increases and the property owner wishes to sell to another party and Mr. Torre said they have a contract which they would enforce.

Mr. Misner understands the comment but the reduction of the retail space would be a substantial change to the project and a substantial change like that cannot be approved or revised at staff level and would be required to return to the commission.

Chair Mandal asked if the overall project landscaping, easement and development plans will stay intact and Mr. Torre said that nothing changes with a parcel map other than a property line is created where there is not one now.

Chair Mandal asked Mr. Misner if a landscape plan will come before the commission and he said that would have been part of the original entitlement but a substantial change to a landscape plan would be subject to the review and approval of the commission.

Vice Chair Madnawat said the applicant could have accomplished the project with seller financing instead of a parcel map and Mr. Torre said they make decisions that make sense from a financial standpoint, and taking on that amount of debt when they do not have to makes the project not work financially.

Mr. Torre showed slides of the landscaping plan and said it will not change.

Mr. Misner said the standard Conditions of Approval for every resolution were distributed to the commissioners because they were inadvertently left out of the resolution in the commission packets, and also noted that there is a revised map.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 6

NOES: 0

**Motion** to Adopt Resolution No. 17-012 approving Parcel Map PM17-0001.

Motion/Second: Commissioner Chua/Chair Mandal

AYES: 5

NOES: 1 Madnawat

Vice Chair Madnawat said he opposes the parcel map because he sees no benefit to the city or the community for it, and he believes there could have been a private arrangement between the seller and buyer to work out the finances.

**X. NEW BUSINESS**

**NO ITEMS**

**XI. ADJOURNMENT** The meeting was adjourned at 8:07 PM.

**Motion** to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 6

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*